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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION *E-FILED - 5/11/06*

UNITED STATES OF AMERICA,)	No. CR 06-00074 RMW
)	
Plaintiff,)	
)	STIPULATION AND
v.)	ORDER EXCLUDING TIME
)	
RAYMOND A. GARBIN,)	
)	
Defendant.)	SAN JOSE VENUE
)	

On April 24, 2006, the parties in this case appeared before the Court for a status hearing. Thomas Ferrito, who represents the defendant, informed the Court that he anticipated that the parties will reach a disposition in the case and that additional time is needed for the parties to conduct further investigation. The parties then requested that the case be continued to July 17, 2006 at 9:00 a.m. In addition, the parties requested an exclusion of time under the Speedy Trial Act from April 24, 2006 to July 17, 2006 in order to afford defense counsel additional time for investigation. The defendant, through Mr. Ferrito, agreed to the exclusion. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

1 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

2
3 DATED:

/s/
SUSAN KNIGHT
Assistant United States Attorney

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5 DATED:

/s/
THOMAS J. FERRITO
Counsel for Mr. Garbin

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7
8 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
9 under the Speedy Trial Act from April 24, 2006 to July 17, 2006. The Court finds, based on the
10 aforementioned reasons, that the ends of justice served by granting the requested continuance
11 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
12 the requested continuance would deny defense counsel reasonable time necessary for effective
13 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
14 of justice. The Court therefore concludes that this exclusion of time should be made under 18
15 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

16 SO ORDERED.

17
18 DATED: 5/11/06

/S/ RONALD M. WHYTE
RONALD M. WHYTE
United States District Judge